

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

No. 17 BK 3283-LTS
(Jointly Administered)

Debtor. ¹

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UNIÓN DE TRABAJADORES DE LA INDUSTRIA
ELÉCTRICA Y RIEGO (UTIER),

Plaintiff,

v.

PUERTO RICO ELECTRIC POWER
AUTHORITY; THE FINANCIAL OVERSIGHT
AND MANAGEMENT BOARD FOR PUERTO
RICO; JOSÉ B. CARRIÓN III; ANDREW G.
BIGGS; CARLOS M. GARCÍA; ARTHUR J.
GONZÁLEZ; JOSÉ R. GONZÁLEZ; ANA J.
MATOSANTOS; DAVID A. SKEEL, JR. AND
JOHN DOES 1-7.,

Adv. Proc. No. 17-228-LTS
in Case No. 17 BK 4780-LTS

Defendants.

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RESPONSE TO AURELIUS’S INFORMATIVE MOTION REGARDING SCHEDULING

The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable Court:

Defendant the Financial Oversight and Management Board for Puerto Rico (the “FOMB”), on its own behalf and as representative of the Commonwealth of Puerto Rico and the Puerto Rico Electric Power Authority (collectively, the “Debtors,” and each, a “Debtor”) pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), 48 U.S.C. §§ 2101-2241, and, in their official capacities, José B. Carrión III, Andrew G. Biggs, Carlos M. García, Arthur J. Gonzalez, José R. González, Ana J. Matasantos, David A. Skeel, Jr., and John Does 1-7 (with Debtors, collectively, “Defendants”), hereby submit this *Response to Aurelius’ Motion Regarding Scheduling* in the above-captioned adversary proceeding.

Pursuant to paragraphs I.J and III.I of the *Second Amended Notice, Case Management and Administrative Procedures* (Case No. 17 BK 3283 LTS Dkt. No. 1065 1), Plaintiffs and Defendants in the above-captioned adversary proceeding respectfully inform the Court as follows:

1. On September 28, 2017, the Financial Oversight and Management Board (the “Oversight Board”) filed a motion (“the Motion”) informing the Court that UTIER requested an extension of the UTIER deadlines in light of the conditions in Puerto Rico resulting from Hurricane María and proposing a schedule that would enable UTIER adequate time to file in light of the extensive damage caused by the hurricane.

2. On September 29, 2017, the Court directed counsel for Aurelius Investment, LLC, Aurelius Opportunities Fund, LLC, and Lex Claims, LLC (collectively, “Aurelius”) to file an informative motion by Monday, October 2, 2017 at 12:00 p.m. (prevailing Atlantic Standard Time) indicating whether Aurelius consents to a briefing schedule consistent with the schedule proposed in the Motion in connection with the above-captioned adversary proceeding.

3. On October 2, 2017, Aurelius filed its informative motion indicating that it would not consent to the schedule proposed in the Motion and proposing an alternate briefing and hearing schedule.

4. Aurelius's proposed schedule would not achieve the interest that the Court expressly identified in its September 29, 2017 Order—namely, the “interest in preserving parallel briefing schedules in these matters to alleviate the burden on the parties.” Given that important interest, Defendants respectfully propose the following parallel briefing schedules, which involve only a modest delay in the hearing date, as compared to Aurelius's proposed schedule, and best account for any scheduling conflicts that may arise during the December holiday season, as well as the considerable challenges faced by UTIER Plaintiff's counsel and their clients following Hurricane María. In addition, Defendants do not believe that a hearing on the motions at issue here require consideration during an Omnibus hearing; accordingly, we respectfully submit that the Court can find a mutually acceptable hearing date in early January, which again will best accommodate the UTIER Plaintiff's proposed schedule.

Aurelius Motions

- a. Defendants' responses to Aurelius's motion to dismiss adversary proceeding and motion to lift stay must be filed by **October 21, 2017**;
- b. the notice of intent to intervene by the Attorney General of the United States must be filed by **November 6, 2017**;
- c. Aurelius's replies to Defendants' response to Aurelius' motion to dismiss and motion to lift stay must be filed by **November 22, 2017**;
- d. any brief filed by the United States must be filed by **December 6, 2017**;
- e. any replies to any brief filed by the United States must be by **December 23, 2017**;

- f. any oppositions to the motions by parties in interest, including Defendants, must be filed by **October 21, 2017**;
- g. any replies to any such oppositions must be filed by **November 22, 2017**;
- h. a separate, non-Omnibus hearing on the motions **as soon as possible after January 2, 2018**, consistent with the Court's availability.

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- a. any answer or other responsive pleading to the complaint filed in the above-captioned adversary proceeding must be filed by **October 21, 2017**;
- b. the notice of intent to intervene by the Attorney General of the United States must be filed by **November 6, 2017**;
- c. any opposition to any motion to dismiss must be filed by **November 22, 2017**;
- d. any brief filed by the United States must be filed by **December 6, 2017**;
- e. any reply in support of any motion to dismiss must be filed by **December 23, 2017**.
- f. a separate, non-Omnibus hearing on the motions **as soon as possible after January 2, 2018**, consistent with the Court's availability.

5. Defendants also respectfully request that the Court hold the existing October 3, 2017 deadline for Defendants' response to Aurelius's motions in abeyance while it considers the instant informative motions.

Dated: October 2, 2017
San Juan, Puerto Rico

/s/ Hermann D. Bauer
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*Attorneys for The Financial Oversight and
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right and as representative of The
Commonwealth of Puerto Rico and the Puerto
Rico Electric Power Authority*

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer